

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:16CR169
Plaintiff,)	
)	
vs.)	ORDER
)	
PRESTON T. GILPIN,)	
)	
Defendant.)	

This matter is before the court on the joint motion to continue trial (Filing No. 22). The parties seek a continuance of the trial of defendant Preston T. Gilpin which was scheduled for December 6, 2016. Gilpin has filed an affidavit whereby Gilpin consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 23). Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The joint motion to continue trial (Filing No. 22) is granted.
2. Trial of this matter is re-scheduled for **January 17, 2017**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 5, 2016, and January 17, 2017**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 5th day of December, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge